

REMARKS/ARGUMENTS

The rejections presented in the Office action dated September 20, 2005 have been considered. Claims 1-32 are pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 2, 4, 7, 9, 12, 13, 15, 16, 22, 23, 26, 27 and 29-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0236912 by *Klemets et al.* (hereinafter *Klemets*). The Applicants respectfully traverse in view of the amendments and remarks provided herein.

The Applicants respectfully submit that the claims as originally filed are not anticipated by *Klemets*. However, in order to facilitate prosecution of the application, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Particular claims have been amended to at least set forth that the session description module communicates with an application of the computing arrangement, and that the session description module and application operate independently of each other. The application receives the session description data from the session description module, and uses this session description data to establish a session. For example, in Claim 1 the application forms a session descriptor request in response to a multimedia session request. The session descriptor request is communicated to the application, which uses this to establish the multimedia session.

In contrast, *Klemets* is directed to embedding streaming media format headers within SDP messages that are passed between entities at a system level. For example, paragraph 0041 of *Klemets* states “the client 106 sends a description request (e.g., and RTSP DESCRIBE request) to the server 104 to describe the available content.” Thus *Klemets* describes a **system-level** description of the exchange of SDP data between a client and a server that are establishing multimedia sessions (e.g., “the client 106 and the server 104 ... initiate a streaming media session” at paragraph 0041). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” MPEP 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Klemets* does not describe an application that communicates with a session description module for purposes of obtaining session description data for use by the application. *Klemets* shows application programs 172 in FIG. 6, but *Klemets* is silent on whether or not these applications can even engage in multimedia sessions. Therefore, *Klemets* is silent on how applications of a client or server can internally discover multimedia session parameters associated with the respective computing arrangements.

On paragraph 4 of the Office Action, the Examiner alleges that *Klemets* teaches a session descriptor module as set forth Claims 1 and 30 based on “fig. 4; computer-readable medium stores a data structure representing a description **message**...a session description **field** page 2, 0017; session description **section or field** 512; page 5, 0048; page 9, 0097-0139,” (emphasis added). Similar portions of *Klemets* have been cited as allegedly teaching a session description module in rejections of Claim 12 (paragraph 8 of the Office Action) and Claim 22 (paragraph 11 of the Office Action). Applicants respectfully disagree with this characterization of both *Klemets* and these portions of the Applicants’ claims. The cited portions of *Klemets* merely describe a session descriptor data structure. This is quite evident from the reference itself, as well as the descriptions used by the Examiner as emphasized above. In contrast, a “session description module” as used in the context of the Applicants claims is clearly not a mere data structure. For example, originally filed Claim 1 set forth “communicating the request to a session descriptor module.” In this context, it would make no sense to communicate a request to a data structure such as a message, section, or field. “The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim.” MPEP 2131, quoting *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The data structures taught in *Klemets* are clearly insufficient to either expressly or inherently anticipate any reasonable interpretation of a session descriptor module, and thus Applicant submits that *Klemets* fails to anticipate the Applicants’ invention as originally filed, and particularly as amended. Therefore, Applicant submits that Claims 1, 12, 17, 22, 26, and 30 are allowable over *Klemets*.

Applicants similarly point out that *Klemets* fails to disclose, either expressly or inherently, an authentication module as set forth in Claims 4, 15, 16, 29, and 31. The Examiner relies on paragraph 0032 of *Klemets*. However, in this paragraph *Klemets* merely describes the authentication between a client and a server on the network. *Klemets* does not show communicating authentication information from an authentication module to a session description module. On the contrary, *Klemets* is entirely silent as to any functional modules of the client or server, or the internal workings of any other data processing arrangement. As to Claim 15, *Klemets* fails to even describe encryption at all. For these reasons, Claims 4, 15, 16, 29, and 31 are also allowable over *Klemets*.

Claims 3, 5, 6, 14, 24, 28, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Klemets* in view of U.S. Patent No. 6,845,389 to *Sen et al.* (hereinafter “*Sen*”). Applicants respectfully traverse the rejection. According to MPEP §2142, to establish a *prima facie* case of obviousness under 35 U.S.C. §103:

- 1) there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

All three criteria must be met to establish *prima facie* obviousness of a claim. The Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of *Klemets* in view of *Sen* does not teach or suggest all of the limitations of Claims 17-21, nor is there motivation to combine these references. For the rejections of Claims 3, 5, 6, 14, 24, 28, and 32 the Examiner relies on *Klemets* as teaching the substance of the claims from which these claims ultimately depend, namely independent Claims 1, 12, 22 and 26. Applicants maintain that *Klemets* does not teach or suggest a session description module because *Klemets* is entirely silent as to the operation of any functional modules within a data processing arrangement. The Examiner did not rely on *Sen* to remedy this deficiency of *Klemets*, nor does *Sen* provide such a remedy.

Therefore, a prima facie case of obviousness has not been established and Claims 3, 5, 6, 14, 24, 28, and 32 are allowable over the combination of *Klemets* and *Sen*.

Applicants additionally submit that *Sen* fails to teach receiving a QoS parameter from a QoS module of a computing arrangement, as alleged with respect to Claim 3, 14, 24, and 28. As with the *Klemets* reference, *Sen* only describes host-to-host communications. *Sen* is silent as to a QoS module, thus *Sen* cannot teach or suggest a computing arrangement having such a module. Similarly, as to Claims 5, 6, and 32, *Sen* does not teach or suggest a device management module, because *Sen* merely describes a device data that may be used in establishing a gaming session, as is completely silent as to how such device data is gathered and communicated to applications. Because *Sen* does not teach or suggest any of these functional modules, a prima facie case of obviousness has not been established and Claims 3, 14, 24, 28, and 32 are allowable over the combination of *Klemets* and *Sen*.

Claims 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Klemets* in view of U.S. Patent Publication No. 2004/0009761 by *Money et al.* (hereinafter "*Money*"). Applicants respectfully traverse the rejection. The Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of *Klemets* in view of *Money* does not teach or suggest all of the limitations of Claims 17-21, nor is there motivation to combine these references.

With respect to independent Claim 17, the Examiner uses the same portion of *Klemets* to show a session description module as was used in the anticipation rejections of independent Claims 1, 12, 22, 26, and 30. Applicants maintain that *Klemets* does not teach or suggest a session description module because *Klemets* is entirely silent as to the operation of any functional modules within a data processing arrangement. The Examiner did not rely on *Money* to remedy this deficiency of *Klemets*, nor does *Money* provide such a remedy. Therefore, a prima facie case of obviousness has not been established and Claim 17 is allowable over *Klemets* and *Money*.

Dependent Claims 18-21 depend from independent Claim 17 and also stand rejected under 35 U.S.C. §103(a) as being anticipated by *Klemets* in view of *Money*. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are now moot in view of the remarks made in connection with independent Claim

17. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the combination of *Klemets* and *Mone*. Therefore, dependent Claims 18-21 are also in condition for allowance.

Claims 8, 10, 11 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Klemets* in view of U.S. Patent Publication No. 2002/0129236 by *Nuutinen* (hereinafter “*Nuutinen*”). Applicants respectfully traverse the rejection.

The Applicant respectfully submits that a *prima facie* case of obviousness has not been established because the combination of *Klemets* in view of *Nuutinen* does not teach or suggest all of the limitations of Claims 8, 10, 11 and 25. For the rejections of Claims 8, 10, 11, and 25 the Examiner relies on *Klemets* as teaching the substance of the claims from which these claims ultimately depend, namely independent Claims 1 and 22. The Examiner does not rely on *Nuutinen* as providing a remedy to the deficiencies of *Klemets* as it pertains to independent Claims 1 and 22, nor does *Nuutinen* provide such a remedy. Thus, because neither *Klemets* nor *Nuutinen* teach at least the recitations of Claim 1, a combination of *Klemets* and *Nuutinen* fails to teach these recitations.

In addition to the arguments presented above, the Applicants note that Claims 2-11 depend from independent Claim 1; Claims 13-16 depend from independent Claim 12; Claims 18-21 depend from independent Claim 17; Claims 23-25 depend from independent Claim 22; Claims 27-29 depend from independent Claim 26; and Claims 31-32 depend from independent Claim 30. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 18, 33, and 34. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the references relied upon in the Office Action. Therefore, dependent Claims 2-17, 20-32, and 35-38 are also in condition for allowance.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.070PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the

undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

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